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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Sung Hsiung Wang

Group Art Unit: 2811

Serial No.: 10/791,246

Examiner: Nguyen, Cuong Q.

Filed: March 1, 2004

In Response to Office Action
Dated: Nov. 17, 2004

For: Metal-Insulator-Metal (MIM) Capacitor Structure
Formed with Dual Damascene Structure

Attorney Docket No.: 67,200-1212 (2002-0436/438)

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

Dec. 17/04


Kathy Dixon

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to a restriction requirement imposed by the Examiner mailed Nov. 17, 2004, the Applicants hereby elect with traverse the prosecution of Group I, device claims 1-12. The Applicants further believe that the restriction requirement was imposed by the Examiner in error and should be withdrawn for the following reasons. The invention claimed a micro electronic product

that has a substrate, a first dielectric layer on the substrate, a second dielectric layer on the first dielectric layer, a capacitor formed interposed between the first and the second dielectric layer and sandwiched between a first conductor stud and a second conductor stud, and a contiguous conductor interconnect the conductor stud layer and a contiguous via defined within the first dielectric layer.

While the Examiner contended that such structure can be formed by "after forming a first dielectric layer forming a capacitor on the first dielectric layer and then forming a second dielectric layer over the first dielectric layer and capacitor instead of forming first and second dielectric layers then forming the capacitor between first and second dielectric layers", the Applicants respectfully submit that such is not possible in arriving at the present invention structure. The present invention structure therefore must be formed by the method steps clearly laid out in independent method claim 13.

The simultaneous consideration of Group I, claims 1-12, and Group II, claims 13-20, by the Examiner is therefore respectfully solicited.